Quid Novi

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The Need for Standard StaNdArdS

by Lenny Abramovicz

Try to picture yourself as a first-year McGill law student. You find out that due to circumstances beyond your control - mainly the first letter of your last name - you have been placed in Professor X or Professor Y's class. You then read in the Quid, or are told by an upper year student that, regardless of how hard you work, or how much you know about the subject, your chances of getting a good mark are significantly lower than are those of your colleagues in the other section, taught by professor Z.

If this seems unfair, that is only because it is. A quick glance at the average class H.P.A.'s (printed in last Wednesday's Quid), confirms the suspicion that many of us already held: that certain professors consistently give lower grades than other professors. These professors can claim that this is just an outgrowth of the high standards that they set for their students, or an inherent aspect of their "academic professionalism". But these factors are largely irrelevant to the issue involved here.

That issue is simply that there is a need for some standardization to occur in the marking process at the law faculty. During my undergraduate years, I was never in a course having more than one section, in which the various professors or Teacher's Assistants involved did not double check or cross mark each other's papers and exams. In fact, many made use of "Bell Curves" so as to ensure a fair distribution of grades between sections of one course. There is a basic reason why they did this: It is patently unfair for students of similar abilities, doing similar amounts of work, to receive dissimilar marks simply because one evaluator has higher, or lower, standard than another.

If an attempt to standardize marks can occur in other faculties, there is no reason for it not to occur here. Professors in other faculties are no less "professional" and no more "academic prostitutes" than are those who teach law. But ;they do seem to be more concerned that the marks received by a student reflect a fair evaluation of that student's work in relation to his peers, as opposed to the professor's own personal biases.

This should be an especially major concern here at McGill Law Faculty. While many other universities and faculties (e.g. McGill's Medical Faculty) are turning away from the grade as the essential evaluator of a student's abilities, the law school, and the surrounding legal in-

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Yank Views S.1

by Eric Belli-Bivar

Speaking to over 70 people on January 13th was noted U.S. constitutional law authority Paul Bender, a professor at the University of Pennsylvania. On this occasion Mr. Bender did not speak on the subject to which he has devoted his distinguished career - the American Consitution - but instead directed his commentary to one of Canada's constitutional documents, the Charter of Rights.

Approaching the topic with a sense of excitement and enthusiasm which some find foreign to the Canadian legal environment, Prof. Bender explained his interest in our system by pointing out the rather anomalous "mid-stream" entrenchment (or "constitutionalization" as one says in the States) of human rights in an already highly developed legal system. This unique occurrence has caught Prof. Bender's attention and has caused him to scrutinize human rights developments in Canadian constitutional law.

The main part of Prof. Bender's discussion was directed at the "bugaboo" of the Charter - the dreaded section one override clause which explicity imports a "reasonable limits" doctrine to the human rights and freedoms enumerated in the Charter. This is the section which reputedly takes

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TALE OF TWO CONSTITUTIONS

In addition to his afternoon appearance Friday the 13th, Prof. Bender of the University of Pennsylvania also found time to address Prof. Birks' constitutional law class that morning. The subject was the difference between the constitutional protection of individual rights in Canada and the United States.

Bender noted that many of the rights guaranteed are similar to both constitutions, particularly in such areas as freedom of religion or expression. He speculated that the bulk of U.S. case law in these areas would be most useful to Canadian lawyers researching relevant precedents. The most significant difference between the two constitutions, in his opinion, was that in the U.S. residual powers were given to the States, while in Canada such powers are reserved to the federal government.

Despite this, judicial interpretation in the U.S. has protected the authority of the central government. Specifically, the federal government can make all laws necessary and proper to carry out their explicit powers. "Necessary and proper" has proved to be an incredibly elastic power as to the range of consitutional areas it will permit Washington to eclipse. Much of this strengthening of federal powers occurred in the '30s and '40s so that the central government could effectively cope with national emergencies like the Depression and World War II.

While it has been a long time since the primacy of Congress has been challenged, Congress has still refrained from using its powers as extensively as it might. While Bender speculated that the federal government in America was probably more "intrusive" than Canada's, he pointed out that the states defined their own criminal laws and enforced them as they saw fit.

In concluding, Bender said that the American Constitution did not so much define individual rights as it limited government power to infringe these rights. He suggested that Canadians should be prepared to be patient with the process of judicial interpretation of their constitution, since the impact of some amendments to the American Constitution such as the Fourteenth (due process) were not fully appreciated for a century or more.

Hartland Paterson

Standards

Cont'd from p. 1

stitutions, seem to be placing an even greater emphasis on it. Already most major law firms only solicit potential articling students among the top ten or twenty students in the H.P.A. range. Of course the law school conveniently "ranks" the students of each class according to their marks. In fact, last year a suggestion was made that the faculty publish a Dean's list of these top twenty students, thus placing an even greater emphasis on one's grades. In this way law students are constantly being told that marks are the surest indication of post-law school success. Yet at the same time, statistics are showing that in some courses, a variable at least as important as your knowledge and effort in obtaining this measure of success, is your professor's personal standards. There is something wrong here.

It leads us back to the situation of punishing student "A", simply because he is a "A". This is an unfair punishment that many students may have to spend the rest of law school trying to eradicate from their records. (Just ask any of the 30.8% of the students in Professor Scott's constitutional class who probably would not have failed if they had been placed in Professor Birk's section.) As well it leads to the unhealthy situation where upper year students will pick their courses, not on the basis of interest or need, but rather on the chance of being rewarded by a great H.P.A.

This brings us to the conclusion that one of two things has to change. Preferably, the school, and the surrounding legal community, should come to the realization that one's marks are not necessarily the most accurate reflection of a student's ability to perform in the outside legal world. Failing this, if the emphasis on the H.P.A. as the true index of one's talents is retained, then there is a responsibility incumbent upon the faculty to make sure that all students have an equal shot at this goal. The largely similar average H.P.A.'s and failure rates in different sections of courses such as Labour Law I and Contracts show that this result can be achieved. All that is needed is the understanding by some members of our faculty that fairness to the student body must be ranked on at least the same level as some abstract notion of "academic professionalism".

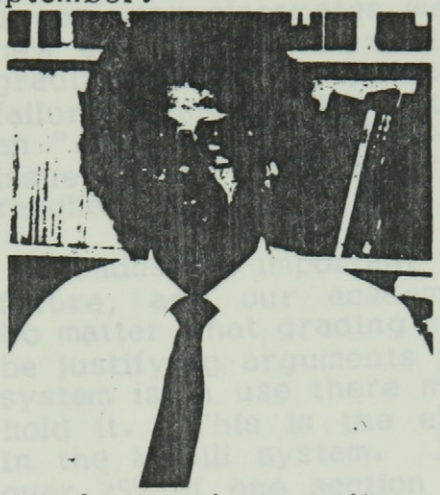
Boodman and the blues

by Joanie Vance

The house lights dim after a set break, and the lone spotlight cuts a shaft through the blue smoke rising from the audience. From the stage, the mournful sound of a harmonica moans the opening bars of a song. She done him wrong, and now he got de blues. Is it John Mayall? B.B. King? No -- it's our own Martin Boodman, law prof and first-class harp player who still manages to sit in on the occasional gig.

While students in law at present may find their time squeezed between classes and work at a firm, Martin Boodman played in local blues bands all the way through his B.C.L. This entailed working in the library until 9:30 p.m., then heading down to the Sir Winston Churchill Pub or the Rainbow for gigs with the Backdoor Blues Band, and nights which would wind up at 3:00 a.m. Boodman still managed to make his morning classes, although this regimen spanned Monday to Wednesday, every week. Deadpan, he told me, "It is good to have an outside interest - you can't do just law". In his situation, another person might have developed an interest in sleep, but apparently that was dispensible.

Prof. Boodman set aside his harps in 1975, when he began the first of two ten-month sojourns in Paris. Between 1975 and 1978, Boodman worked on his masters and doctorate at Paris II, returning to McGill during the 1976-77 academic year to obtain an LL.B. In 1978, he received his doctorate from l'Université de Paris (Droit), picking up the Prix de Thèse from l'Institut de Droit Comparé for his comparison of charitable gifts in Quebec and France. Although his graduate work stemmed from an interest in Quebec trust law, Boodman also went through the degree thinking that a teaching career might follow a period of legal practice. After working for two years at Clarkson, Tétrault while teaching one course per term at the Law Faculty, Boodman became a full-time prof last September.



Prof. Boodman, discussing his evolving teaching technique, relates the feeling of standing up in front of a class to that of being on stage - the key is to keep it informal and keep it moving. He also structures the lectures so as to allow for theoretical digressions. Students in his courses may have noticed that this includes raising questions of law that as of yet have no answers. This approach was apparent in Consumer Law, which Prof. Boodman taught last semester. He frequently raised questions of interpretation posed by the wording of the relatively new Consumer Protection Act. Some students might have seen a nascent Prof. Bridge approach in all this, although inchoate slid into chaotic more than once. The hypothetical and academic tangents can make a course more challenging, but they require a depth of understanding and knowledge that seemingly requires years of teaching experience to attain. It is clear, with Prof. Boodman, that the potential is there.

Until marks came out, this mild criticism was the worst one that could be made of our performing prof. However, Boodman, joining his neophyte colleagues Shandro and Kelly, raised the spectre of the Three Sisters of Graeae visited by Perseus, passing between themselves one eye and one tooth (and one "A") as they carried out their work. Although conceptually Consumer Law can only be described as straightforward, Prof. Boodman lamented that an unsuspecting 80% (60 out of 75) of the students in his class fell for some or all of his traps, scoring a C+ or below. Adding insult to injury, the lone A paper, placed on reserve, indicated that this consumer wunderkind had never attended Jane Glenn's lecture on exam-writing. Crestfallen students may find the exam, which eschews content for quips, brings a smile with such lines as "floating, big deal, the astronauts do it all the time, and they get Tang!" and "heretofore (I like that word!)". Remember Prof. Glenn's admonition never to joke on an exam? Well - that was a joke.

Although a "C+ or below" rate of 80% indicates that Prof. Boodman doesn't always make clear what he's looking for except in retrospect, his classes are lively and he has the makings of a solid member of the Faculty. He still performs outside of class, too - having played off and on after his B.C.L. with the Stephen Barry Band, Prof. Boodman stood in for a few tunes when Big Mama Thorton played Montreal last November. You can see him on-stage this term in Special K and Security on Moveables.

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In Search Of Academic Excellence

If you think, like I do, that the most exhilerating academic experience at law school has been to count the number of burnt lights in the Moot Court (the record is 26, set in February, 1982) then hang on, because this is for you.

The recent grades purge seems to have sufficienctly exasperated and galvanized the student body. I remember the most gutless feeling I ever got in law school was during the first year when Scott failed 14 for 54 and my upper year classmates walked by, laughing, with an "Oh he's at it again" mentality. Three years of unrealistic grading, lack of predictability in grades, and high failure rates coupled with reading just what constitutes an "A" exam for Prof. Boodman, has finally ascended the issue to the point where constructive solutions may be reached.

Grades are important to students. They represent our future, and our academic and intellectual self-respect. No matter what grading system is used, there are bound to be justifying arguments pro and con. However once that system is in use there must be academic integrity to uphold it. This is the element that is so clearly lacking in the McGill system. Is there academic integrity when over 25% of one section of Con Law consistently fails as compared to approximately 5% of the other sections? Without a doubt, your chances of passing first year Con Law are determined by SAO and Faculty when they assign the sections. You're a 10-1 underdog if you get Scott. No student at any self-respecting law school should be subject to a roulette game which emphasizes such a large degree of academic discretion.

Is there any academic integrity when the brightest students of LLB II are blown out of the water by Crépeau? The fact that you can graduate them at the head of their class one year and then say that they are not capable of passing Obligations in second year appears to be a contradiction in terms. Oh, sorry, I forgot, it was a Crépeau exam. Those are different, huh? More professorial discretion, I guess.

Well, I thought I failed the course but incredibly enough I got a B+. This is such a common occurence at McGill that it is indicative of the lack of predictive value that grades have in addition to excess of professorial discretion. The end results: students realize that when they think they do poorly they do well. When they think they do well they do poorly. So why should they worry about it? Nevertheless, I think that students have become more qualified and more able to predict how they perform in a class than the professor. There are two solutions. One, they don't go to classes and/or two, they don't do the work. When students feel that way, the system is breaking down.

Fact Pattern: Student to article in British Columbia. In September, he hears that one prof will teach Civ Pro from the B.C. perspective. He asks Simmonds to transfer to that section, because of the obvious benefits. Administrator says no. Please discuss.

Cont'd from p. 5

Moigners See Red

UPI Jan. 20. The Christmas break was certainly an eventful one for the Fighting Frankelmoigners. Dispatched to Moscow by P.M. Trudeau as part of his recent peace initiative, the 'Moigners proceeded to paint Red Square red and shake the foundations of the Kremlin, as they annihilated the Red Army in a series of exhibition matches. Led by Paul "Pershing" Dunn and Steve "Remember the Alamo" Krieger, the 'Moigners once and for all proved the superiority of Western decadence, as they repulsed the red swarm time and time again.

However, as everybody with access to a radio knows by now, at the same time as these games were being played, secret negotiations were going on behind the scenes. At late-night sessions in the bowels of the Kremlin, the sweaty 'Moigners hammered out an arms reduction treaty with the top guns of the CCCP. In exchange for the removal of all U.S. missiles from Europe, Chief Negotiator Graham "Steel Town" Fraser got the Russians to agree to put their best medical brains to work on finding a solution to the chronic aches and pains of "Wee" Ricky Elliott. For Elliott, the immensely talented but brittle guard, this may provide a new lease on life - on the other hand, it may not.

Upon their return to the land of flush toilets and taco stands, the 'Moigners were in for a further shock when they found out that Paul Dunn's personal hair stylist, Mr. Maurice, had been hired away by the Interdicts. According to the Dicks fashion coordinator Stu "How's my hair" Ducoffe, "Mr. Maurice will be the missing link. GQ here we come". A weeping Paul Dunn was unavailable for comment.

Perhaps the greatest change the team will have to deal with is an impending change of ownership. Informed sources confirm the rumour that the immensely wealthy Arthur "What's a Million" Evrensel will make a bid to purchase the team, and then move from the court to the executive washroom. Such a transaction could be traumatic for the happy-go-lucky 'Moigners, as Evrensel is known as a strict disciplinarian. Furthermore, unconfirmed reports have it that Evrensel will move the team to the University of Toronto, which has for too long been deprived of seeing what Yuri Andropov called "those big capitalist tools".

Wayne Burrows

It seems that Faculty ineptitude in grading stems from Faculty's poor regard for the student body. The above fact pattern is true. That the student in question has done so much for the law school in extra curricular activities strikes me as the quintessential norm of the Faculty's attitude - though we want our students to help run the law school and to be well prepared to practice and to be adequate lawyers we will make it has hard as possible for them to achieve these goals. We will fail them in droves. We will make unreasonable discretionary decisions that will only tend to create an us-against-them mentality. But, we do expect them to be good alumni. Of such ironies is life made.

The events of the last two weeks violate an implied contract between McGill and its students entering law school. There are certain obligations the Faculty must sustain to maintain academic excellence. To allow Scott to do what he does tarnishes McGill Law School as much as it creates resentment towards Scott himself. With the appointment of an inside Dean, from whom the ultimate resolution of this issue will result, the mechanics would be laid in place for a stalemate position. However, an outside candidate will be the only one who a) can bring a totally unbiased and objective view to the woes of CDH and b) can act without feeling that his or her hands are tied since there will be no poker chips to cash in or to buy.

Demetrios Xistris

Bennett Jones
Barristers and Solicitors

Calgary, Alberta
Commencing Summer 1985

Interviews will be conducted by lawyers of the above firm on Friday, 17 February at our Faculty. All interested students are asked to sign up at the S.A.O. no later than Thursday, 16 February.

Students are requested to provide a personal resume and a transcripts which should be mailed to the address noted below and arrive no later than 11 February. (If unable to meet this deadline please leave with S.A.O.) Detailed information about the firm is available at the S.A.O.

Mr. S.J. Lovecchio
Bennett Jones
3200 Shell Centre
400-4th Avenue S.W.
Calgary, Alberta
T2P 0X9

Quid Novi Professional Quips

"Yes I'm interested in your offer of a Crépeau Civil Code. But surely it's not worth $2.00. It's worth $0.50."

Prof. Haanappel
Special K

Bender

Cont'd from p. 1

the bite out of our Charter and makes it pale in the light of her stronger sister, the American Constitution. This is the section which law professors across Canada decry as serving only to make our Charter a forgettable exercise in statutory draftmanship.

In contrast to this pessimism of the Canadian legal community, Prof. Bender presented a refreshing view on the effect of section one. Section one operates, noted Bender, to establish that the rights contained in the Charter are not absolute rights; in other words they may be derogated from provided the s.1 test is satisfied. Although not expressly recognized in the American Bill of Rights, this restrictive factor exists in their constitution by judicial interpretation, just as surely as it exists in black and white in our own.

The focus of Prof. Bender's discussion was his concern about judicial "over-use" of s.1. According to him, the courts appear to be approaching all Charter questions as s.1 questions.

Before arguing that such an application of law might be incorrect, however, Prof. Bender analyzed the term "reasonable limits". He concluded that it possessed virtually no content simply because such an enormous range of possible solutions were covered. In comparison, Prof. Bender gave examples of the tests used by U.S. courts when they deal with their implied equivalent to our resonable limits test. The U.S. Courts apply several tests, depending on the character and subject matter of the legislation sought to be impugned. At one end of the spectrum, it is necessary to show that the legislation is "absolutely necessary to the goals of the government" or is of "pressing public necessity". Only when and if a court is satisfied that such standards have been met, will it uphold the legislation in question. Freedom of speech and racial discrimination issues are subjected to this test.

At the other end of the spectrum, the test of an adequate justificatory standard is much more easily satisfied. For example, "gender issues" are frequently tested against the less stringent "legitimate government objective" standard. In its weakest formulation this test asks whether it is conceivable that the legislation in question would serve a public purpose, a standard reminiscent of the Diefenbaker Bill of Rights. Prof. Bender quipped, "Of course the legislation will have a conceivable public purpose, for its very existence means that a legislature has in fact so conceived it."

Turning to the Canadian setting, the big question is whether the Canadian judiciary will engage in the multiple tests development of the U.S. courts or whether it will interpret s.1 as establishing a single and immutable standard for all types and manner of statutes. It is submitted that the very ambiguity of the section will grant to the judiciary the flexibility that their U.S. bretheren have appropriated. Prof. Bender was of the opinion nevertheless that our s.1 established a standard which is characterized by the "pressing public necessity" test in the U.S.

Prof. Bender went on to argue that the s.1 limitation on rights and freedoms does not even apply to the many sections of the Charter which contain "careful" statements of the standards required for the rights therein to be over-ridden. Bender used s.4 to demonstrate his hypothesis. Section 4 establishes maximum lengths of office of the government but subs. 2 provides an exception to that rule in the event of war, invasion or insurrection. Prof. Bender stated that it would be absurd if, after the exception's conditons had been satisfied, one would further question whether s.1 is also satisfied. Is the court to enquire whether the continuation of the government in times of war - as expressly provided by the Charter - is reasonable? Prof. Bender thinks not. In short, Prof. Bender concluded that where there is a built-in justification provision there should be no additional reference to s.1.

"What then is the purpose of s.1?" one is reasonably led to ask. "The purpose," replies Prof. Bender, "is merely to indicate that the rights and freedoms contained in the Charter are not absolute". Had no such limit been provided in the section, one would have been implied, as has been done in the U.S. Of course, s.1 also provides a standard for the courts to apply where a particular section is silent.

Prof. Bender's careful and convincing arguments are compelling reason to believe that we will be looking as much to the South in the future, as across the Atlantic, when we seek to clarify our new constitution.

HON. MARK MACGUIGAN

Monday 30 January
Moot Court
3:00 - 4:00 p.m.

Evidently Messier-The Plot Thickens

As the happy resolution of the plight of the graduating students in the now defunct Evidence IA has been perused by my consoeur in last week's Quid, and more correctly perused in this week's Quid, this aggrieved non-graduating BCL III student (*hereinafter "S", "I", "me", or "myself") prefers to comment on a more delicate and less trifling cause - her own.

So, you want to be a lawyer:

Presenting the ratio decidendi for electing U. of M. as the means to your end: McGall Law Professors (Res IPSA Loquitur)

Part A: 1984 Revisited: The "Us v. Them" Syndrome:

Evidently, Orwell's darkest and most provocative of revelations has materialized. However, while the essence of his predictions has proven real, Orwell did not accurately envisage the evermore frightening and dangerous form his nightmare was to assume...

...Unbeknownst to both Orwell and the vulnerable, unsuspecting body of Law Students, "Big Brother" with sonic barrier-breaking movement, has invaded and deftly manipulated the once progressive and efficient minds of the reasonable men and women whom the students so revered - collectively known as McGill Law School academia. Result: As compared to the "mushy" minds of law students, on the evolutionary scale, the Faculty members have regressed from homo sapiens to homo bureaucraticus ineffectius.

As any good lawyer will agree, a contention without proof is mere frivolity, and proof I will provide. A true lawyer will find solace in the assurance on which I stake my professional reputation (?) that my case rests upon anything but heresay;.

Part B: Multiple Choice Quiz:

1) Students in a like position, i.e. who are non-graduating and have already pursued (a) Criminal II (Mr. Proulx) and (b) JLE (Prof. Morissette) and who have registered into the old Evidence IA on the basis of the course description have:
(a) not gotten what they bargained for;
(b) suffered injury to their reliance-and-expectation-interests;
(c) been the object of a breach of faith;
(d) all of the above.

2) The class of aggrieved students to which I belong, unlike the happy graduating students (supra), is prevented from obtaining common law semi-obligatories for the new improved national course, Evidence IA. This is tantamount to Discrimination on the basis of:
(a) stream of academic study;
(b) seniority;
(c) all of the above.

Anonymous

Choses Improbables

par Sylvie Lévesque

Me voici maintenant en 4e année. Durant tout ce temps, j'ai eu l'occasion d'utiliser mon sens de l'observation à maintes reprises. Voici donc certaines conclusions tirées par ma petite tête et portant sur des événements fort improbables, qui n'arriveront peut-être jamais dans la Faculté.

-- Prof. Scott qui coule 3 étudiants en Droit constitutionnel;

-- Etre capable, avec justesse et précision de deviner ses notes;

--Ne pas se sentir mourir de stress durant les examens et les "moots";

-- Avoir de l'eau potable, goûtant autre chose que l'eau de Javel;

-- Voir Louisa, la bibliothécaire avec un sourire;

-- Se trouver facilement une place dans la caféteria à 1 heure;

-- Etre toujours en avance dans ses études

-- Voir au moins 3 profs se pointer au party de Faculté en même temps;

-- Voir des étudiants lire le "McGill Law Journal" le matin avec leur café;

-- Trouver le livre dont on a besoin durant les "moots";

-- Avoir une machine à change dans la bibliothèque, près des photocopieuses;

-- Savoir à quelle heure ouvre le "Handout";

Etc.

Plusieurs autres observations me sont aussi venues qui feront peut-être, espérons-le (?!) le sujet d'un 2e article tout aussi passionnant(!)...cela, au moins, n'est pas improbable!

Evidently Messier - Errata

by Pearl Eliadis

In last week's Quid, I reported that students who had taken Judicial Law and Evidence, and Criminal Procedure with Mr. Proulx would be automatically exempt from the new evidence course, and could go directly to Evidence IIA. Although this possibility had been discussed, students who have taken the above two courses are not, in fact, exempt. Although no general exception is created for students in this position, an individual student may discuss the possibility of waiving the new evidence course as a prerequisite for Evidence IIA with Prof. Sklar.

Civil Law Articling Positions

The Department of Justice of Canada will accept applications for its 1985 Civil Law articling positions until January 27, 1984.

Poster, forms and relevant information are available at the Dean's office or his designate.

Publicity for the Common Law Articling Program is done on a separate basis.

Faculté de droit
(Moot Court)

Concours 1983-84 du

TRIBUNAL-ECOLE
INTERFACULTES

Les 3 et 4 fevrier

Sujet

M. Bédard subit une intervention pratiquée par Dr. Ducharme, sous la surveillance du Dr. Dupuis, médecin traitant de M. Bédard. Peu après, ce dernier fit une hémorragie interne, apparemment reliée à cette intervention. Dr. Lefebvre, alors médecin de garde, entreprit d'urgence une autre intervention, sous anesthésie générale administrée par Dr Patenaude, pour arrêter l'hémorragie. Pendant cette opération, M. Bédard eut un arrêt cardio-respiratoire et subit de graves dommages cérébraux.

Mme. Glen, épouse de M. Bédard, poursuivit le Centre hospitalier et les trois médecins en dommages-intérêts. La Cour supérieure exonéra Dr Patenaude mais condamna les deux autres médecins à payer au-delà de 3,000,000$ à Mme Glen, pour elle-même, son mari et ses enfants, et le Centre hospitalier, à lui payer 500$ comme curatrice à son mari.

Mme Glen, Drs Dupuis et Ducharme et le Centre hospitalier en ont appelé de ce jugement. Le Tribunal-Ecole Interfacultés entend l'appel entre Mme Glen et le Centre hospitalier.

Ce problème fictif a été composé par M. Paul-A. Crépeau, professeur à l'Université McGill, M. Pierre Deschamps et Mme Louise Lussier, chercheurs au Centre de droit privé et comparé du Québec.

MARATHON

On Wednesday, January 18th, a healthy contingent of McGill runners gathered for the 3rd annual Frostbite Marathon in order to raise money for the Canadian Heart Foundation and the Canada Law Games. Most of the "regular" runners were on the scene with the sad exception of Gary Lawrence, who, after being seen consuming quantities of juices in the early morning, disappeared into the Men's Room, only to reemerge at the end of the run to consume large quantities of beer.

In addition, however, to McGill runners, old and new, U.S. President Ronald Reagan appeared, wearing, much to the surprise of many, an arm band reading "Legs for Peace Not Arms for War" and advocating women's rights. President Reagan was not available for comment after winning the race at 31 minutes 18 seconds as he too disappeared into the Men's room. What goes on in there is a mystery, to be sure. Equally mysterious and interesting were the characters who particapated in the Marathon. For example, a Mr. Stu Ducoffe and a Mr. Paul Wickens, noted for their very warm friendship ran the entire race bound to one another at the ankle. I am told that the hip action was somewhat to be admired. A co-runner compared the motion to the Bump, poetry in action...

Another strange phenomenon was seen, as dedicated first year student, David McGarrigle, attempting to beat the odds of failure in Prof. Crépeau's class, ran with and read from the Civil Code. Indeed I do believe Dave's eyes were glazed by the very scent of his much beloved document. Then there was Mike Larivière who appeared late on the scene but ran the circuit by himself, changing directions every once in a while to break the monotony.

All the runners demonstrated their inner strength as they by-passed the pizza and beer being served in the Pit 10 times (indeed some runners, much to the dismay of the already confused lap-counter, ran 11 laps). All the participants are well deserving of praise, notably Reagan and Henry Schultz who first crossed the finish line for men and Jill Hugessen, who, escorted by Nick Vlahos, first crossed the finish line for women. Equally inspiring were Kathy Fisher and Jill Samis who raised $285 and $208 respectively. Also to be thanked are all the Faculty members who generously contributed to the cause as well as the students who served the beer and pizza and those who cheered.

Over $1100 was raised this year and I'm told the runners are anxiously awaiting another chance to conquer the slush, perhaps another fund drive can be arranged as soon as Mark Ciarello recovers from his stiffness. Let's hope Richard, Louise, Debbie, Helene, Bruce, Bobby and Jean-Yves will once again be there.

Nike Watcher

The International
Law Society and the
Institute of Comparative Law
present

Mr. Klaus Ebermann

adviser to the Vice-President of Commission for External Relations of the EEC, who will be speaking about the external relations of the EEC and Canada on Tuesday January 24 at 12:30 in the Common Room.

Mooting

Fellow First Year Mooters:

Thanks to the kind cooperation of Mr. Li and the library staff, Library hours during the week you will be preparing your factums, Tuesday, February 7 through Tuesday, February 14, 1984, have been extended as follows:

Tuesday, 7/02/84 to Thursday 9/02/84: one hour until 11:45 p.m.

Friday, 10/02/84: one hour until 10:45 p.m.

Saturday, 11/02/84: No change: 10:00 a.m. to 6:00 p.m.

Sunday, 12/02/84: Three hours, from 10:00 a.m. to 12:00 and from 6:00 to 7:00 p.m.

Monday, 13/02/84: one hour until 11:45 p.m.

Junior Moot Court Board

To Phi Delta Phi:

Is there any possibility of my receiving the sweatshirts I paid for on October 14th 1983 ($50.00 Receipt #19) before the end of the school year?!

Consider this message as a "mise en demeure".

Jacinthe Leroux

Justice Linden

On Tuesday, January 17, 60 students squeezed into Room 202 to hear Justice Allen Linden speak about the Canadian Law Reform Commission and its attempt to resurrect the spirit of law reform in Canada.

This Forum National presentation, originally scheduled as "Tort Law under the Charter", was shifted to a discussion of law reform, which Linden finds more interesting. Most students didn't.

Linden's lecture was a rambling, and at times very vague, discussion of various facets of the Law Reform Commission. Fortunately, an equal amount of time was allotted for questions which provided a focus for a discussion of relevant and recent issues.

During his talk one could sense that Linden was obviously quite enthusiastic about his role in reforming Canadian law. He stressed the important role of the Charter in aiding the "gradual evolution to a more open, respectful society".

The Canadian judiciary should play a vital role in making the law suitable for the society it seeks to serve. As Linden noted, to wait for Parliament to do the job is in many cases to wait forever. Linden hastened to add that this is not government by judges, but judges "fomenting" law reform. By their handling of cases, the courts should make Parliament address the relevant issues.

The role of the Canadian Law Reform Commission is to examine federal laws and recommend improvements. The Criminal Law Review Board, for example, has made a variety of recommendations in such areas as contempt, speedy trial and divorce.

Linden stressed that the next few months will be crucial in setting the proper tone for acceptance of the reforms. If they get through, Linden is optimistic that a new Criminal Code could result in 3-4 years.

Linden argued that the proposed reforms will be acceptable when idealism and pragmatism are balanced in the Law Reform Commission - in this way the law and ideas will move forward together. The Commission should make pragmatic suggestions but it "must also dream dreams".

Rick Goossen

Attention All Mooters:

All 1st year students are strongly urged to attend 2 very important and interesting discussion on oral pleading to be given by Mr. Joseph Nuss, Q.C. of the firm Ahern, Nuss & Drymer on Monday, January 30 at 5:00 p.m. in the Moot Court. Mr. Nuss' suggestions and hints will prove very helpful to you in preparing for your oral pleadings.

Moot Court Board

Memo

To: All Organizations aided by the L.S.A.:

From: V.P. Common Law

Re: A very brief meeting to be held Thursday, Jan. 19 at 1:30 p.m., one representative of each organization to be present. LSA office.

There are three small matters to be dealt with:

1) Fund raising by beer sales on Friday afternoons. The L.S.A. feels there is an opportunity to make some money here, and would like to offer the chance to the student organization.

2) Planning meeting dates. Regular and special meetings of organizations are too often planned without knowledge of what others are doing. Solutions will be suggested.

3) Organization budgets. Those organizations who would like second-term funds may submit their first-term reports at the meeting, or before the next following L.S.A. council meeteing.

Please note also the following dates for General Assemblies: Feb. 1, Feb. ;9, Mar. 14. On March 21, students will be witness to yet another "meet the candidates" session.

Thank You in advance for your attendance.

Todd Van Vliet